

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6063 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

DAHYABHAI ZAVERBHAI

Versus

JINABHAI KHODABHAI DECEASED BY HIS HEIRS AND LEGAL REP.

Appearance:

1. Special Civil Application No. 6063 of 1992
MR MC SHAH for Petitioner No. 1
MR MH DAYAMAKUMAR for Respondent No. 1-1/2

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI

Date of decision: 23/01/2004

ORAL JUDGEMENT

Learned counsel for the petitioner states that the petitioner has died as per oral instructions given to him, which were, recorded in the order dated 15.7.2003.

Thereafter, in order to verify that fact, the learned counsel, had written a letter to the petitioner on 1.7.2003 by RPAD, which was accepted by one Arvind bhai, as son of the petitioner and, he informed the learned counsel that Dahyabhai Zaverbhai had died. The learned counsel, thereafter, wrote letter dated 15.11.2003, requiring him to send the death certificate and the name of the heirs, who were to be brought on record. A copy of letter dated 15.11.2003 is placed on record by the learned counsel along with RPAD receipt, showing that the letter has been received on behalf of the addressee. The learned counsel for the petitioner states that, despite such communication, no instructions are sent to him for pursuing the matter.

2. Since, the petitioner Dahyabhai Zaverbhai, appears to have died long back and, despite the learned counsel for the petitioner's, seeking instructions for bringing his heirs on record, there is no response in the matter to him, the petition is dismissed for non-prosecution. Rule is discharged with no order as to costs.

(R.K.Abichandani,J)
Jayanti*